

Nays : Messrs. Burleson, Cooke, Campbell, Gage, Parker, Ward and Wallace—7. Carried.

Mr. Gage moved the Senate adjourn until 10 o'clock, Monday morning. Lost, by the following vote :

Yeas : Messrs. Brashear, Burleson, Cooke, Campbell, Gage, Kinney, Portis, Robertson, Ward and Wallace—6.

Messrs. Latimer, Portis and Gage, were appointed said committee.

Mr. Gage was excused from said committee.

On motion of Mr. Wallace, the Senate adjourned until 9 o'clock, Monday morning.

MONDAY, December 2, 1850.

The Senate was called to order by the President—Senators present : Messrs. Brashear, Burleson, Cooke, Campbell, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Portis, Robertson, Truit, Van Derlip, Ward and Wallace.

The journals of Saturday were read and adopted.

A message was received from the House, informing the Senate that the House had passed the following bills :

A bill to authorize the Commissioner of the General Land Office to issue patents to the heirs of Simon Gillam, and the heirs of John Smith.

A bill to incorporate the Trinity and Galveston Navigation Company.

A bill to incorporate the Waco Male and Female Academy, in the county of McLennan ; and

Joint resolution for the relief of John C. Walling.

Also, the following bills, which originated in the Senate :

A bill to locate the seat of justice of Kaufman county;

And a bill to incorporate the town of Shelbyville, in Shelby county.

Also, that the House had passed a bill to repeal the third section of an act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, approved November, 1850, with amendments.

Also, joint resolution refunding to Major William S. Henry the fine imposed upon him by sentence of a Court Martial in the 9th Military Department of the United States Army; with amendments.

Also, that the House had appointed Messrs. Bryan, Burney

and Tarrant, a committee of conference, on the resolution of adjournment.

Mr. Burleson presented the following memorial of Frederick Dawson, of Baltimore, which was ordered to be spread upon the journal.

To the Honorable

The Legislature of the State of Texas.

It is a fact generally known to the people of Texas, that your memorialist entered into a contract with the government of the late Republic, on the thirteenth day of November, 1838, for the construction and equipment of vessels intended for its naval service. James Schott and E. Dana Whitney of the city of Philadelphia, although not named in the contract, joined at the time with your memorialist, in its execution. These vessels consisted of one ship, two brigs, and three schooners. They were constructed in accordance with very minute and specific directions, prescribed by the terms of the agreement, fully armed and furnished with provisions and munitions of war, and delivered to the officers of the Republic in the harbor of Galveston, in condition for immediate and efficient service. The superior qualities of these vessels and their adaptation to the purposes for which they were designed, were severely tested by storms, and in frequent encounters with the enemy.

It is not generally known, however, although it will conclusively appear by reference to the contract on file in your archives, and by the report of a former Secretary of the Navy, an extract from which is annexed, that your memorialist, with his associates, did in fact far exceed the terms of his obligation, both in constructing and furnishing these vessels. They were each of larger dimensions, more strongly built, more completely armed and more fully provisioned, than those terms required. Your memorialist, and those interested with him, were induced to incur this additional expense from the same motive which led him originally to enter into the contract—a cordial sympathy with a people, not numbering twenty thousand, in their unequal struggle with a nation of eight millions. The sincerity of this feeling is sufficiently shown by the fact, well known to all, that the Republic of Texas, at that crisis in her affairs, had no financial credit, either in Europe or America, and that of all to whom application was made, your memorialist and his associates were the only persons who were willing to invest their means to so great an extent, and to connect their fortunes for good or ill, with its cause.

Messrs. Schott and Whitney, at the time of the contract, were

merchants doing a large business and prosperous in Philadelphia; as was your memorialist himself in Baltimore. The great amount of money which they advanced from their individual means, made them wholly dependent upon the performance of the agreement on the part of Texas, to sustain their mercantile credit. The inability and failure of the Republic to perform its engagements, involved them in serious embarrassments, and compelled them finally, in order to satisfy completely the liabilities which they had assumed for its benefit, to abandon their commercial business and position.

The Navy, thus acquired by the Republic, was the immediate cause of her recognition as an independent nation by England. Lord Palmerston, who then directed the foreign policy of Great Britain, so declared in the House of Commons. Your memorialist need not dwell upon the immense benefits which this country derived from that recognition of her independence—benefits which would have been even more sensibly felt, had she chosen to preserve her distinct and separate national existence.

In fixing the price of the vessels, three modes were offered to the Government of Texas, at its request, for selection, and are mentioned in the contract. By the mode which was adopted, that Government delivered to your memorialist two bonds, each in the sum of two hundred and eighty thousand dollars, bearing ten per cent. interest, redeemable on the first day of December, 1843, and for the payment of which the public faith and revenues were solemnly pledged, as appears on the face of the instruments themselves. The manner in which these bonds became the property of your memorialist and his associates, under the contract which had been executed, will be sufficiently explained by the letter of the authorized agents of Texas, bearing date the 29th day of November, 1838, and addressed to the President of the Girard Bank of Philadelphia, a copy of which is annexed to this memorial. Of these bonds one belonged to, and was taken by Messrs. Schott and Whitney on account of their share in the execution of the contract: and your memorialist would therefore respectfully bespeak for them, from your Honorable body, whenever they present their claims, the like favorable consideration as may be deemed due, and be granted to him.—The other remained the sole property of your memorialist. But, it is here perhaps proper to state, that circumstances, growing out of the delay, have since that time compelled him to part with a portion of his, and that he is interested now, only in the remainder.

And here your memorialist would respectfully call the atten-

tion of your Honorable body to the fact, that he and his associates have never, during the periods of financial embarrassment through which this country has passed, pressed its Government for payment, either of the principal or interest due upon their claim. Relying on its plighted faith, and reluctant to make their demand a source of inconvenience to the country, by exacting any portion of the public revenues, they have patiently waited, although at very great sacrifice, until the State should be in a condition to reimburse them. And he does not now desire any hasty or inconsiderate action, by which the interests of the State, or any of its creditors, might suffer. He has the same unwavering confidence which they have ever heretofore manifested, that the Government of the country, to whose security and defence they so willingly contributed, will, at a proper time, by a full performance of its obligations, do them ample justice. He has; however, felt compelled to submit this statement, of a matter in which he is so deeply interested, lest silence on his part should cause such a misconstruction of his conduct or motives, as to induce the supposition, that he wishes to look to any other fund, or rely upon any other security, than that in the uncontrolled power of the State to give. He neither asks for, nor expects immediate payment; nor that the Legislature, at its approaching session, should adopt any special measures with reference to his demand, which the people are not prepared to ratify. The probable shortness of the coming session, and the many outstanding demands not yet ascertained, for which a provision has been made by law, would seem to require a postponement of this and similar matters, to a more convenient period.

And in the meantime, it is the earnest desire of your memorialist, that the nature and merits of this claim,—the benefits which have resulted to Texas from the execution of this contract—the vast acquisition of territory—the consequent increase of revenue—and other happy results, to the attainment of which, the Navy furnished by your memorialist and his associates, most effectually contributed, may receive from your Honorable body, and the people at large, thorough and impartial consideration.—And your memorialist cannot doubt, that when the time for final action upon the public debt shall have arrived, the People of Texas will be found to maintain that high character for honor and integrity, upon which he has so long relied.

FRED'K DAWSON.

Baltimore, Oct., 1850.

Mr. Burleson, also, presented the memorial of James Schott and Elisha Dana Whitney, with accompanying documents.

Mr. Burleson moved to have the memorial and accompanying documents spread upon the journal.

A division of the question being called for, the memorial was ordered to be spread upon the journal, by the following vote :

Yeas : Messrs. Burleson, Davis, Gage, Grimes, Kinney, Parker, Portis, Van Derlip and Wallace—9.

Nays : Messrs. Cooke, Campbell, Hart, Latimer, McRae, Moffett, Robertson and Truit—8.

The question on spreading the accompanying documents on the journals, was taken, and lost, by the following vote :

Yeas : Messrs. Burleson, Davis, Gage, Kinney and Portis—5.

Nays : Messrs. Cooke, Campbell, Grimes, Hart, Latimer, McRae, Moffett, Parker, Robertson, Truit, Van Derlip and Wallace—12.

To the Honorable, the Legislature of the State of Texas.

Your memorialists, James Schott and E. D. Whitney, merchants of the city of Philadelphia, concurring in the statement of Mr. Fredk. Dawson, dated Baltimore, October, 1850, and addressed to your Honorable body, a copy of which is annexed, respectfully represent :

That feeling a deep sympathy with the people of Texas, they became originally interested and were parties with Mr. Dawson in constructing, furnishing and equipping the vessels for the Naval service of the late Republic, the contract for which was made in the name of Frederick Dawson. That they furnished from their individual means one-half the amount of funds required to build and equip the said vessels, agreeably to contract ; and that one-half of the amount of the bonds given in payment of the same belonged to, and was received by them.

Your memorialists do not expect that any attempt will be made at this session of your Legislature for their relief ; nor do they deem it necessary to remind your Honorable body of the heavy sacrifices they have been compelled to make on account of their interest in the above mentioned contract.

They have ever been willing to rely upon the honor of Texas, that she would, whenever circumstances placed it in her power, perform towards your memorialists her part of the contract.

In order to show the proceedings at Washington in reference to this debt for the vessels, your memorialists trust that they will be excused for respectfully asking the notice of your Honorable body to the annexed petition of Frederick Dawson, James Schott and E. D. Whitney, to the Congress of the United States ; and to the

reports of the committee of Claims of the Senate, and the committee on the Judiciary in the House of Representatives.

All of which is most respectfully submitted.

E. D. WHITNEY, for himself
and JAMES SCHOTT.

Austin, December 2, 1850.

A message was received from the House, informing the Senate that the House had adopted a resolution to adjourn on Tuesday, the 3d day of December, at 12 o'clock, M.

Mr. Robertson, chairman of the committee on State Affairs, to whom was referred a joint resolution on the fugitive slave law; reported the same back to the Senate, and recommended its passage.

Mr. Portis offered the following resolution:

"*Resolved*, That the Secretary of the Senate be authorized to employ as many Assistant Clerks as may be needed for the remainder of this extra session." Read.

On motion of Mr. Portis, the rule requiring resolutions to lie on the table one day, was suspended, and resolution adopted.

Mr. Burleson introduced a bill to incorporate the LaGrange Collegiate Institute. Read first time.

On motion of Mr. Burleson, the rule was suspended; bill read second time and ordered to be engrossed.

On motion of Mr. Burleson, the rule was further suspended; bill read third time, and passed.

A message was received from the House, informing the Senate, that the House had appointed Messrs. Hendricks, Franklin and Wigfall, a committee of conference on a bill to better regulate the election of Judges of the Supreme Court, and request the appointment of a like committee on the part of the Senate.

Messrs. Portis, Latimer and Van Derlip, were appointed said committee.

Mr. Wallace, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, report as correctly enrolled, the following bills:

A bill for the relief of Lewis Monroe Mays, a minor.

A bill for the relief of John Beeman, John S. Beeman and James J. Beeman.

A bill to be entitled an act requiring the Commissioner appointed by an act entitled an act creating the county of Hunt, approved April 11th, 1846, to deliver up certain documents and moneys therein mentioned.

A bill to be entitled an act for the safe and profitable investment of the school fund.

A bill to be entitled an act to incorporate the Shelby University; and

A bill to be entitled an act to incorporate the Brazos and Bernard Railway and Plankroad Company.

ORDERS OF THE DAY.

The Senate adopted the resolution of the House to adjourn on Tuesday, the 3d instant, at 12 o'clock, M, by the following vote:

Yeas: Messrs. Brashear, Burleson, Cooke, Campbell, Gage, Grimes, Hart, Parker, Truit, Ward and Wallace--11.

Nays: Messrs. Davis, Kinney, Latimer, McRae, Moffett, Portis, Robertson and Van Derlip--8.

Mr. Ward, from the Enrolling committee, made the following report:

The Joint Enrolling committee have presented the following acts to the Governor for his inspection, the same having been signed by the Speaker of the House and President of the Senate, viz:

An act for the relief of certain persons therein named.

An act for the relief of Peter Lopez and Henry Tierwester.

An act to require the Commissioner of the General Land Office to issue patents for lands therein named.

An act for the relief of Lewis Monroe Mays, (a minor.)

A bill for the relief of John Beeman, John S. Beeman and Jas. J. Beeman; and

An act requiring the Commissioner appointed by an act entitled an act creating the county of Hunt, approved April 11th, 1846, to deliver up certain documents and moneys therein mentioned.

A message was received from the House, informing the Senate that the House had passed the following bills, which originated in the Senate, viz:

A bill for the relief of Samuel J. Sparks.

A bill for the relief of Martin W. B. Armstrong.

A bill for the relief of Benjamin Burke; and

A bill for the relief of Luana Ward, with an amendment.

A bill to repeal the third section of an act to amend the 2d and 7th sections of an act to organize the Supreme Court of the State of Texas, approved November, 1850, together with the amendments of the Senate. Read.

On motion of Mr. Portis, referred to the committee on the Ju-

diciary, with instructions to report it back to the Senate at 3 o'clock, P. M.

The Senate concurred in the amendments of the House to a joint resolution refunding to Major William S. Henry, the fine imposed upon him by a military court martial; and to

A bill for the relief of Luana Ward.

On motion of Mr. Gage, joint resolution for the relief of John C. Walling, was taken up and read first time.

On motion of Mr. Gage, the rule was suspended; resolution read second time, and passed to a third reading.

On motion of Mr. Gage, the rule was further suspended; resolution read third time and passed.

A bill to amend the sixth section of an act concerning slaves, approved the 5th of February, 1840. Read third time and passed by the following vote:

Yeas: Messrs. Burleson, Cooke, Davis, Kinney, Moffett, Parker, Portis, Robertson, Van Derlip, Ward and Wallace—11.

Nays: Messrs. Brashear, Campbell, Gage, Grimes, Hart, Latimer and Truit—7.

A bill to regulate the pay of volunteers in the service of Texas in the year 1842. Read third time.

Mr. Wallace moved to amend by inserting in the 7th line of 1st section, after the word "same," the words "monthly rate of."

Upon which, the yeas and nays were as follows:

Yeas: Messrs. Brashear, Campbell, Grimes, Hart, Kinney, Latimer, McRae, Parker, Ward and Wallace—10.

Nays: Messrs. Burleson, Davis, Gage, Portis, Robertson and Van Derlip—6.

Rejected, two-thirds not voting for it.

The bill was then passed.

A bill to authorize the Commissioner of the General Land Office to issue patents to the heirs of Simon Gillam and the heirs of John Smith. Read first time.

On motion of Mr. Ward, the rule was suspended; bill read second time, and passed to a third reading.

On motion of Mr. Robertson, the rule was further suspended; bill read third time and passed.

Mr. Wallace, from the committee on the Judiciary, to which was referred a bill to authorize the Commissioner of the General Land Office to issue patents to lands surveyed, or to be surveyed, within the limits of Mercer's and Peters' Colonies; reported the same back to the Senate, without any recommendation.

A bill to incorporate the Trinity and Galveston Navigation Company. Read first time.

A bill to incorporate the Waco Male and Female Academy, in the county of McLennan. Read first time.

Report of the Judiciary committee on the petition of the citizens of Navarro county, praying to be attached to the third Judicial district, recommending that no action be taken thereon at the present extra session of the Legislature; was read and adopted.

A bill to change the name of Emmet Baylor Patrick to Emmet Harlan Patrick. Read second time, and ordered to be engrossed.

On motion of Mr. Cooke, the rule was suspended; bill read third time and passed.

A bill for the relief of Zachariah N. Morrell. Read second time.

On motion of Mr. Burleson, referred to the committee on Public Lands.

A bill for the relief of Daniel Martindale. Read third time.

On motion of Mr. Cooke, laid on the table.

A bill for the relief of the heirs and legal representatives of John W. R. Tilden, deceased. Read second time and ordered to be engrossed.

On motion of Mr. Ward, the rule was suspended; bill read third time and passed.

Joint resolution proposing to the people a division of the State into two or more States, and authorizing them to express their opinion upon the subject at the general election, in August, 1851. Read second time.

On motion of Mr. Wallace, laid on the table.

On motion of Mr. Robertson, the vote which referred a bill for the relief of Zachariah N. Morrell to the committee on Public Lands, was reconsidered, and bill passed to a third reading.

On motion of Mr. Parker, the rule was suspended; bill read third time and passed.

On motion of Mr. Latimer, the Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK P. M.

Senate met—quorum present.

Mr. Van Derlip, from the Judiciary committee, made the following report:

The committee on the Judiciary, to whom was referred an act supplementary to an act, approved 30th November, 1850, entitled

an act to amend the second and seventh sections of an act to organize the Supreme Court of the State of Texas, approved May, 1846; adopted by the House of Representatives as an amendment for a bill originating in the Senate, entitled a bill to be entitled an act to repeal the third section of the act above named; have had the same under consideration, and have instructed me to report the accompanying bill as a substitute for both of said bills, and recommend its passage.

On motion of Mr. Van Derlip, the rule requiring reports to lie on the table one day, was suspended, and report taken up and adopted.

Mr. Davis introduced a bill to authorize H. B. Hollister to mark and define the boundary line of Starr county. Read first time.

On motion of Mr. Portis, the rule was suspended; bill read second time and ordered to be engrossed.

On motion of Mr. Campbell, the rule was further suspended; bill read third time and passed.

Mr. Portis, from the committee of conference, made the following report:

The majority of the committee of conference on the part of the Senate and House of Representatives on the bill regulating the election of Judges of the Supreme Court, have agreed to the substitute of the House, and instructed the undersigned to report the same, and recommend its passage.

DAVID Y. PORTIS, Chairman
on part of the Senate.

H. G. HENDRICKS, Chairman
on part of the House.

A message was received from the House, informing the Senate that the House had passed the following bills, which originated in the Senate, viz:

A bill for the relief of Martha McMillan.

A bill for the relief of Mary Alexander.

A bill for the relief of John Edmonds.

A bill for the relief of John McLennan, jr.

A bill for the relief of Peter Gallagher, and the legal representatives of Archibald Fitzgerald and Thompson Robinson; and

A bill to repeal an act to reserve one of the public buildings in Austin, for the Supreme Court.

Also, the following bills, originating in the House:

A bill for the relief of the heirs of Andrew Kent, decd.; and

A bill to incorporate the Anahuac Canaling and Rail Road Company.

Also, that the House had concurred in the amendments of the Senate to a bill to amend the 6th section of an act concerning slaves, approved 5th February, 1840.

Also, that the House had adopted the report of the committee of conference on a bill better to regulate the election of Judges of the Supreme Court.

The Senate adopted the report of the committee of conference on a bill to regulate the election of Judges of the Supreme Court, by the following vote :

Yeas: Messrs. Campbell, Davis, Grimes, Hart, Latimer, Parker, Robertson, Truit and Ward—9.

Nays: Messrs. Burleson, Kinney, McRae, Moffett, Portis, Van Derlip and Wallace—7.

A bill for the relief of the heirs of Andrew Kent, deceased. Read first time.

On motion of Mr. Portis, the rule was suspended; bill read second time and passed to a third reading.

On motion of Mr. Portis, the rule was further suspended; bill read third time and passed.

A bill to incorporate the Anahuac Canaling and Rail Road Company. Read first time.

On motion of Mr. Burleson, the report of the select committee on the petition of the citizens of Travis county, was taken up; and

A bill to authorize the County Court of Travis county to levy a special tax. Read first time.

On motion of Mr. Burleson, the rule was suspended; bill read second time, and ordered to be engrossed.

On motion of Mr. Burleson, the rule was further suspended; bill read third time and passed.

Mr. Wallace, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills have examined the following bills, and report them correctly enrolled:

A bill to locate the seat of justice for Kaufman county.

A bill supplementary to an act to secure to the German Emigration Company the lands to which they are entitled.

A bill to incorporate the town of Shelbyville, in Shelby county.

A bill for the relief of Leanner Ward.

Joint resolution refunding to Major W. S. Henry the fine imposed upon him by the sentence of a Court Martial, in the 9th Military Department, United States Army,

A bill for the relief of John Edmonds; and

A bill for the relief of Mary Alexander.

On motion of Mr. Robertson, the rule requiring bills to be read on three several days, was suspended, and a bill to incorporate the Waco Male and Female Academy, in the county of McLennan, was taken up. Read second time, and passed to a third reading.

On motion of Mr. Robertson, the rule was further suspended ; bill read third time and passed, by the following vote :

Yeas : Messrs. Burleson, Cooke, Campbell, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Portis, Robertson, Truit, Ward and Wallace—15.

Nays : None.

On motion of Mr. Kinney, the Senate adjourned until 10 o'clock, to-morrow morning.

TUESDAY, December 3, 1850.

Journal of yesterday read and adopted.

A message was received from the House, informing the Senate that the House had passed the following bills, which originated in the Senate :

A bill for the relief of Alanson Ferguson.

A bill for the relief of William A. Burns ; and

Joint resolution for the relief of Robert Shaw, assignee of William Morrow.

Also, that the House had passed a bill for the relief of Daniel Parker, jr. ; and

A bill for the relief of Alexander McCulloch.

Also, that the House had adopted a substitute for a bill making an appropriation for certain purposes therein named.

Mr. Ward, from the committee on Enrolled Bills ; made the following report :

The Joint Enrolling committee have examined the following acts, and finding them correctly enrolled, and having been signed by the Speaker of the House, and President of the Senate, were this day presented to the Governor for his examination :

An act to authorize the Executive Board of Managers of the Masonic Female Institute, at Marshall, Harrison county, to confer degrees, and for other purposes.

A joint resolution for the relief of John C. Walling.